

**IN THE UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF ALABAMA, NORTHERN DIVISION**

HAZEL M. ROBY, as Administratrix of §
the Estate of RONALD TYRONE §
ROBY, Deceased, §
§
Plaintiff, §
§
v. § CIVIL ACTION NO.
§ 2:05cv494-B
BENTON EXPRESS, INC., et al., §
§
Defendants. §

**PLAINTIFF'S OBJECTIONS TO DEFENDANT'S
DEPOSITION DESIGNATIONS**

Plaintiff hereby objects to the Defendant's deposition designations as follows:

Stephanie Stephens

1. Page 19, line 16 through page 20, line 2 – Objection: immaterial irrelevant, argumentative. There is no question or answer, only defense counsel's comments.
2. Page 23, lines 6 – 7 – Objection: this is not a proper designation, it is just an attorney's question with no answer.
3. Page 25, lines 9 – 23; Objection: immaterial, irrelevant, hearsay.
4. Page 26, line 23–page 27, line 11– Objection: irrelevant, not rebuttal to anything offered by Plaintiff.
5. Page 32, line 23 through page 33, line 19 – Objection: not relevant to rebuttal. This designation falls outside the scope of the Plaintiff's direct examination.

6. Page 35, line 11 – 21 – Objection: not relevant to any designations set forth by Plaintiff; not a proper rebuttal since it does not address anything set forth by Plaintiff in her original designations.

7. Page 48, line 21 through page 47, line 16 – Objection: immaterial, irrelevant; object to attorney comments. Response not proper subject matter since it is not a rebuttal to anything offered by Plaintiff; outside the scope of Plaintiff's direct examination.

8. Page 138, line 15 through 21 – Objection: hearsay; asking for legal conclusions.

9. Page 140, line 14 – page 141, line 17 – Objection: hearsay; legal conclusions, and requires an expert opinion.

10. Page 142, line 1 – p. 143, line 14 – Objection: seeks a legal conclusion; compound questions; not the best evidence; argumentative; not the proper method of cross-examination.

Officer Stapler:

1. Page 10, line 3-4 – Objection: compound question, leading.
2. Page 11, line 20-23 – Objection: compound question, leading
3. Page 11, line 25 – page 12, line 2 – Objection: compound question
4. Page 17, lines 2-4 – Objection: improper subject matter, irrelevant, immaterial, argumentative; comments of counsel.

5. Page 30, line 12 – 25 – Objection: immaterial, irrelevant, hearsay, asked and answered.

6. Page 31, line 2 – Objection, repetitive, asked and answered.

7. Page 31, line 17-24 – Objection, repetitive, asked and answered.
8. Page 32, line 5-9 – Objection, repetitive, asked and answered
9. Page 32, line 18-24 – Objection, repetitive, asked and answered

David Tripp

1. Page 23, line 18-24 – Objection- argumentative, immaterial, irrelevant, misleading and unduly prejudicial; this was clearly not a BOLO report related to any type of criminal act so this discussion will only mislead the jury into believing that such a BOLO report had been made. Other testimony by Mr. Tripp in this case shows that this was simply a BOLO report for an overdue motorist which is not a crime.



LABARRON N. BOONE

OF COUNSEL:

**BEASLEY, ALLEN, CROW,
METHVIN, PORTIS & MILES, P.C.**
218 Commerce Street
Post Office Box 4160
Montgomery, Alabama 36103-4160
(334) 269-2343 – Telephone
(334) 954-7555 – Facsimile

CERTIFICATE OF SERVICE

I hereby certify that I have electronically filed the foregoing with the Clerk of the Court using the CM/ECF system that will send notification of such filing to all counsel of record as shown below on this 1 day of March 2006.



G. L. Boone
OF COUNSEL

Gregory A. Brockwell
Brett A. Ross
Carr, Allison, Pugh, Howard, Oliver & Sisson, P.C.
100 Vestavia Parkway, Suite 200
Birmingham, AL 35216